



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

FEB 17 2004

Honorable Mitch McConnell
United States Senate
Washington, DC 20510-1702

Exemption 6 Personal Privacy

Dear Senator McConnell:

Thank you for your January 9, 2004, letter on behalf of [REDACTED] and [REDACTED] concerning the storm water management program and taxes being imposed in Park Hills, Kentucky.

The National Pollutant Discharge Elimination System (NPDES) program is delegated to the Commonwealth of Kentucky including the responsibility of the storm water portion of the NPDES program. However, the Park Hills area lies within a Small Municipal Separate Storm Sewer System (SMS4) covered under Phase II of the storm water regulations. Thus, the municipality or storm water utility administers the storm water management program on a local level. In order to administer the program, the local sanitation district may pass ordinances which require the collection of fees or taxes in an effort to maintain, improve, and/or repair the storm water collection system. EPA does not direct local authorities in the collection of fees to administer the storm water management program.

If you or your staff would like more details regarding any specifics of the issues outlined in [REDACTED] letter, please contact:

Jeffrey Eger
General Manager, Sanitation District #1
1045 Eaton Drive
Fort Wright, KY 41017
(859) 578-7450

If you have questions or need additional information from EPA, please contact me or the Region 4 Office of Congressional and Intergovernmental Relations at (404) 562-8327.

Sincerely,

J. I. Palmer, Jr.
Regional Administrator

cc: Bruce Scott, Kentucky DOW
Jeffrey Eger, Kentucky Sanitation District

MITCH McCONNELL
KENTUCKY

351-A RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-1702
(202) 224-2541

United States Senate

MAJORITY WHIP

COMMITTEES:
AGRICULTURE

APPROPRIATIONS

SUBCOMMITTEES ON FOREIGN OPERATIONS
CHAIRMAN

RULES AND ADMINISTRATION

January 9, 2004

Mr. Edward Krenik
Associate Administrator
Congressional & Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Mr. Krenik:

I am writing on behalf of a constituent who has contacted me regarding storm water management in Park Hills, Kentucky. I would appreciate your review and response to my constituent's concerns.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Pamela Simpson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,



MITCH McCONNELL
UNITED STATES SENATOR

MM/PS

SEPTEMBER 26 2003

03 OCT 17 P11 5:50

SANITATION DISTRICT # 1
ATT. JEFFERY A. EGER
GENERAL MANAGER

IT IS MY UNDERSTANDING, AFTER READING YOUR LETTER AND BROCHURE THAT THE, "STORM WATER MANAGEMENT PROGRAM", WAS MANDATED DUE TO EPA REGULATIONS. YOUR INFORMATION ALSO INDICATES THAT NO FEDERAL OR STATE FUNDING IS AVAILABLE AND THE RESIDENTS AND BUSINESSES OF THE AREA INVOLVED MUST ABSORB ALL COSTS.

"IF THE FEDERAL AND STATE GOVERNMENTS FEEL "STORM WATER MANAGEMENT" IS SUCH AN URGENT AND BENEFICIAL PROGRAM, THEN OUR LEGISLATORS NEED TO ACT AND AT LEAST PROVIDE MATCHING FUNDS. EVERY STATE WOULD BENEFIT, ALL THE WAY TO THE GULF OF MEXICO.

THE FEDERAL GOVERNMENT SURE SHOVED THIS MANDATE DOWN THE TAX PAYER'S THROAT. TO ME, THIS IS TAXATION WITHOUT REPRESENTATION, WHICH IS OUT AND OUT, "TYRANY".

WHEN WE RECEIVED OUR BILL, FOR OUR RESIDENCE AND, I NOTICED THAT STATE SALES WAS APPLIED. I CALLED YOUR FT. WRIGHT OFFICE AND SPOKE WITH BONNIE. AFTER OUR CONVERSATION, SHE SAID THE STATE TAX APPLIED WAS IN ERROR, AS THE BILL CLEARLY SHOWS, "STORMWATER RESIDENTIAL". SHE SAID TO DELETE THE TAX, AND JUST PAY THE \$11.24.

IN TALKING TO OTHERS, I FIND THIS SAME ERROR HAD OCCURRED ON OTHER HOME OWNER'S BILLS. ARE YOU FOLKS GOING TO REVIEW ALL OF YOUR RESIDENTIAL BILLS FOR ACCURACY? PLEASE LET ME KNOW.

I THEN ASKED BONNIE WHY ANOTHER BILL WE RECEIVED FOR "STORMWATER COMMERCIAL" HAD STATE SALES TAX APPLIED. SHE SAID THAT ALL COMMERCIAL PROPERTY IS SUBJECT TO THE STATE SALES TAX. SHE WAS UNABLE TO EXPLAIN THE DIFFERENCE OR WHY. PLEASE GIVE ME THE REASONS AND EXPLAIN THE DIFFERENCE AS TO WHY ONE IS TAXED AND THE OTHER IS NOT.

WE RESIDE IN PARK HILLS KY. OUR CITY HAS A VERY LIMITED AND ALSO INADAQUATE STORM WATER SEWERS. MOST ALL, EXCEPT THE MOST RECENT INSTALLATIONS, EMPTY DIRECTLY INTO THE SANATORY SEWER SYSTEM. AS I UNDERSTAND IT, EVEN THESE NEW INSTALLATION FEED INTO THE COVINGTON SEWER SYSTEM WHICH FOR THE MOST PART IS JUST ONE SANITARY SYSTEM WITH NO SEPERATION OF STORM WATER. MOST ALL RESIDENCES IN PARK HILLS WERE SET UP TO DRAIN THEIR ROOF, DRIVE WAY WATER ETC., DIRECTLY INTO THE SANITARY SEWER SYSTEM.

SOMETIME IN THE NEAR OR DISTANT FUTURE, ARE THE HOME OWNERS GOING TO HAVE TO SEPARATE THIS WATER AND LAY NEW PLUMBING FROM THEIR RESIDENCE TO A NEWLY INSTALLED STORM WATER PIPE OUT AT THE STREET? PLEASE LET ME HAVE YOUR ANSWER.

OUR RESIDENCE HAS A WATER PROBLEM, AS WE GET THE RUN OFF, ONTO OUR PROPERTY, FROM MOST OF TWO STREETS, CORAM AND HARRIETT, AND THE OTHER PROPERTY AND ADJACENT LAND. THERE IS ONE CATCH BASIN AT THE CORNER OF HARRIETT AND CORAM. IT IS INOPERATIVE WITH BROKEN CLAY TILE PIPE. THE CITY AND SANITATION FOLKS TRIED TO REPAIR IT AND FINALLY GAVE UP. SO FAR THE CITY HAS SURVEYED THE SITUATION AND TOLD ME THEY CANNOT AFFORD THE CORRECTIONS NEEDED:

~~MY THOUGHTS ARE, THAT THE COMPLIANCE MANDATED BY THE EPA~~ WILL TAKE MANY, MANY, AND PERHAPS 30 OR 40 YEARS TO COMPLETE. WHY NOT JUST RUN ALL THE WATER THROUGH A TREATMENT PLANT. IF NEED BE, JUST ENLARGE THEM OR ADD OTHERS. I THINK IT WOULD BE A MORE COST EFFECTIVE SOLUTION.

I AM PAYING THIS BILL UNDER PROTEST. I DO NOT MIND PAYING FOR A SERVICE OR BENEFIT. CURRENTLY I AM RECEIVING NEITHER. IF PARK HILLS CORRECTS MY WATER PROBLEMS, THEN I WILL GLADLY PAY FOR THE SERVICE AND BENEFIT.

SUPPOSEDLY, PARK HILLS IS SURVEYING THE CITY TO FIND WHERE THE GREATEST PROBLEMS EXIST AND THEN ASK FOR MONEY FROM THE FUND IN ORDER TO PROCEED WITH STORM WATER FLOODING CORRECTIONS.

AN EARLY REPLY, BY MAIL, TO MY QUESTIONS WILL BE APPRECIATED. I DO NOT HAVE WEB SITE ACCESS READILY AVAILABLE. I DO HAVE A SIMPLE, BASIC E-MAIL PROGRAM, [REDACTED]

SINCERELY,

Exemption 6 Personal Privacy

[REDACTED]

CC: MAYOR, MICHAEL J. HELLMANN
U.S.SENATOR, JAMES BUNNING
U.S.SENATOR, MITCH Mc CONNELL
U.S.REPRESENTATIVE, KEN LUCAS
STATE SENATOR, RICHARD L. ROEDING
STATE SENATOR, JACK WESTWOOD
STATE REPRESENTATIVE, JON DRUID
STATE REPRESENTATIVE, THOMAS KERR